

REMARKS

Claims 1-26 are pending. An Office Action mailed July 29, 2004 rejected Claims 1-7 and 26 under 35 U.S.C. § 101, Claims 7 and 12 under 35 U.S.C. § 112, Claims 1-6, 8-11, 13, 17-21, and 26 under 35 U.S.C. § 102, and Claims 7, 12, 14-26, and 22-25 under 35 U.S.C. § 103 and objected to the drawings. By way of this Amendment, Applicants hereby submit replacement drawing sheets, and amend the specification and Claims 1-4, 7-13, 17, 19, and 22-26. Pursuant to 37 CFR § 1.111, Applicants hereby respectfully request reconsideration of the Application.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 101

The Office Action rejected Claims 1-7 and 26 because the claimed invention is directed to non-statutory subject matter. Applicants hereby amend, Claims 1 and 26 in order to overcome the noted rejection.

OBJECTION TO THE DRAWINGS

The Office Action objected to the drawings because they were not fully labeled. Applicants hereby submit replacement drawings sheets that include labels and have amended the specification in order to comply with the figures. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, First Paragraph

The Office Action rejected Claims 7 and 12 as failing to comply with the written description requirement and that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the Application was filed, had possession of the claimed invention. The claims contain the phrase "separate terrain servers" which is not supported by the specification, as it occurs for the first time in the claims. With regard to amended Claims 7 and 12 Applicants respectfully traverse this rejection.

Applicants have amended Claims 7 and 12 to indicate the use of separate terrain server systems. This is supported in FIGURE 1 that shows a plurality of terrain systems 105. Therefore, Applicants submit that newly amended Claims 7 and 12 are fully supported by the figures and specification.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Office Action rejected Claims 1-6, 8-11, 13, 17-21 and 26 as being anticipated by DeLorme et al (Delorme). The Office Action states that Delorme provides terrain data to multiple users and explicitly notes that data is extracted from a database. The extracted data is sent to the requestor and provides for extensive formatting of the requested data. With regards to amended independent Claims 1, 8, 13, 17, 19, and 26, Applicants respectfully traverse this rejection.

Applicants submit that Delorme fails to teach or suggest that the terrain data provided by Delorme includes terrain elevation information. Delorme teaches a navigation system that provides routing information to multiple users. The information sent to an air customer might include flight route information. Therefore, Applicants submit that Delorme is unconcerned with providing terrain elevation information only providing various types of routing and points of interest information to recipients. Delorme does teach sending elevation or altitude data associated with a way point. However, Applicants submit that this elevation or altitude data is not terrain elevation information, but MSL information. Therefore, Applicants submit that independent Claims 1, 8, 13, 17, 19, and 26 are allowable over the cited references.

Because Claims 2-6, 9-11, 18, 20, and 21 depend from allowable independent claims, they are allowable for the same reasons that make their corresponding independent claims allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

The Office Action rejected Claims 7, 12, 14-16, and 22-25 as being unpatentable over Delorme in view of Lamburt, et al. (Lamburt). The Office Action states that Lamburt facilitates efficient data transfer of multimedia data in order to enhance performance and reliability of data transmission to a user. Official notice was taken that was well known at the time of the invention to use multiple servers for performing online data queries in an efficient manner and in particular for streaming of multimedia data for the purposes of reliability, integrity, or redundancy. With regard to the above-amended independent claims, Applicants respectfully traverse this rejection.

Applicants submit that Lamburt fails to overcome the noted deficiencies identified above with regard to Delorme. Applicants submit that independent Claim 22 includes similar limitations as the other amended independent claims, therefore, Claim 22 is allowable over the cited references. Because Claim 7, 12, 14-16, and 23-25 depend from allowable independent claims, they are allowed for the same reasons that make their corresponding independent claims allowable.

CONCLUSION

Applicants respectfully submit that all of the claims of the pending Application are now in condition for allowance over the cited references. Accordingly, Applicants respectfully request withdrawal of the rejections, allowance, and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicants' agent listed below.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}

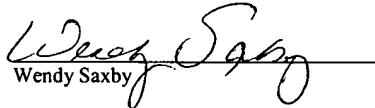


Michael S. Smith
Patent Agent
Registration No. 39,563
Direct Dial: 206.749.9888

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 8, 2004
Date of Deposit


Wendy Saxby